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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/574,210	05/19/00	KUD	W BHT/3110/50

DOUGHERTY & TROXELL
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QM02/1011

EXAMINER
DOUGLAS, L

ART UNIT	PAPER NUMBER
3752	

DATE MAILED 10/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/574,210

Applicant(s)

Kuo

Examiner
Lisa Douglas

Group Art Unit
3752



☒ Responsive to communication(s) filed on May 19, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3752

DETAILED ACTION

Drawings

1. The drawings are objected to because in Figure 5 a flange 31 is shown on tube 3 however the flange is not shown in Figure 4 and tube 3. Correction is required.

Specification

2. The use of the trademark Teflon has been noted in this application (Abstract, line 5, page 5, lines 2 and 3, page 6, lines 3, 5, and 8, and page 7, lines 11 and 12). It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

In regard to claim 1, line 5 (two occurrences) "Teflon" since the trademark or trade name is used as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. *Ex parte Simpson 218 USPQ 1020 (Bd. App. 1982).*

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In regard to claim 1, line 6 "the said two component" lacks clear an proper antecedent basis; further it does not clearly point out which elements it refers to.

In regard to claim 1, line 7 "the water outlet end" and line 8 "the water inlet end" each lacks clear and proper antecedent basis; the examiner suggests replacing "the" with --a--.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoza, III.

Hoza, III shows all of the basic device including a pipe connector with an internal thread 16, sealing rings 16, 60, and 62, ball valve 21, and flange at the lower end of element 15.

Hoza, III lacks the sealing rings made of Teflon. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from prior art apparatus satisfying the claimed structural limitations. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Hoza, III device to have the sealing rings made of Teflon since it has been held to be within the general skill of a worker in the art to select a well known material based on its suitability for the intended use.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

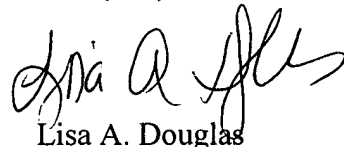
Putnam is cited to show a ball valve with seals.

Austin et al. and Ramachandran are cited to show elongate spray nozzles.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Douglas whose telephone number is (703) 308-0265. The examiner can normally be reached on Tuesday-Wednesday 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. Kashnikow, can be reached on (703) 308-1137. The fax number for this Group is (703) 305-3588.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.



Lisa A. Douglas
Patent Examiner
Art Unit 3752
September 27, 2000